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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,549	10/28/2003	Rycharde Jeffery Hawkes	30018432-2	5467

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

STEVENS, THOMAS H

ART UNIT	PAPER NUMBER
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2121

MAIL DATE	DELIVERY MODE
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07/23/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/695,549

Applicant(s)

HAWKES ET AL.

Examiner

THOMAS H. STEVENS

Art Unit

2121

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-11,13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,6,8-11,13 and 14 is/are rejected.
- 7) ☒ Claim(s) 3 and 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claim 1, 3-11, 13 and 14.

Section I: Reopening Prosecution

2. In view of the appeal brief filed on 06/23/2008, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options: (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or, (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2). Reopening is necessitated based on applicants' argument in the brief. Based on applicants' brief and interpretation, examiner has provided new art and looks forward to advancing prosecution.

Section I: Non-Final Office Action

Claim Objections

3. Claims 3 and 4 are objected to because they refer back to a cancelled claim, thus were not treated on the merits.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1,5,6,8-11,13 and 14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Definition of what a first and second versions is silent within the disclosure.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1,5,6,8-11,13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Perlin et al. (US Patent 6,285,380; hereafter Perlin). Perlin discloses a system for the creation of real-time, behavior-based animated actors (abstract).

Claim 1. A method of simulating (column 19, lines 30-32) a creature (column 4, lines 37-40) for use in two different complexities of simulation (column 4, lines 37-40), the method comprising: utilizing a model (using or utilizing the simulation model; column 5,

lines 20-28) of the creature (column 4, lines 37-40) that comprises at least two portions: a first portion (column 21, line 30) which contains functions for use in both of said different complexities ("incorporate complex simulation models", column 5, lines 24-25) of simulation (column 4, lines 37-40); and a second portion (column 21, line 31) comprising two alternative versions: a first version (suggestion of local versions being used, column 16, lines 1-6) for use in one of said different complexities ("incorporate complex simulation models", column 5, lines 24-25) of simulation (column 4, lines 37-40); and a second version (suggestion of local versions being used, column 16, lines 1-6) for use in the other of said different complexities ("incorporate complex simulation models", column 5, lines 24-25) of simulation (column 4, lines 37-40) wherein said first portion (column 21, line 30) comprises a behavior selection (behavior engine, element 30) mechanism arranged to select the behavior of said creature (column 4, lines 37-40) and said second portion (column 21, line 31) is arranged to execute the selected behavior (behavior engine, element 30).

Claim 5. A method as claimed in claim 1, wherein the second version (suggestion of local versions being used, column 16, lines 1-6) is for use in the less complex of the simulations (column 4, lines 37-40), and is arranged to approximate the functionality of the first version (suggestion of local versions being used, column 16, lines 1-6).

Claim 6. A method as claimed in claim 1, wherein the first version (not clearly defined within the disclosure; the Office interprets this limitation local versions being used , column 16, lines 1-6) utilizes a neural network.

Claim 8. A method as claimed in claim 1, wherein the first version (not clearly defined within the disclosure; the Office interprets this limitation local versions being used , column 16, lines 1-6) utilizes a three dimensional (column 19, lines 57-65) physical simulation (column 4, lines 37-40) of an animat (animated actors, title), and the second version (not clearly defined within the disclosure; the Office interprets this limitation local versions being used , column 16, lines 1-6) utilizes a parameterized model of the animat (animated actors, title) to approximate movement.

Claim 9. A method of simulating activities of a plurality of creature (column 4, lines 37-40)s, the method comprising utilizing at least two modes of simulation (column 4, lines 37-40): a first mode (e.g., high-level, column 15, lines 24-25) arranged to simulate (column 19, lines 30-32) the activities of all of said creatures (column 4, lines 37-40); and a second mode (e.g., low-level, column 15, lines 24-25) arranged to simulate (column 19, lines 30-32) an activity of at least one of said creatures (column 4, lines 37-40) at a more detailed level than said first mode (e.g., high-level, column 15, lines 24-25), wherein a model of a creature (column 4, lines 37-40) simulated in both modes of simulation (column 4, lines 37-40) comprises at least two portions: a first portion (column 21, line 30) which contains functions arranged for use in both of said

Art Unit: 2121

modes of simulation (column 4, lines 37-40); and a second portion (column 21, line 31) comprising two alternative versions, (not clearly defined within the disclosure; the Office interprets this limitation local versions being used , column 16, lines 1-6) a first version (not clearly defined within the disclosure; the Office interprets this limitation local versions being used , column 16, lines 1-6) for use in said first mode (e.g., high-level, column 15, lines 24-25) of simulation (column 4, lines 37-40), and a second version (suggestion of local versions being used , column 16, lines 1-6) for use in the second mode (e.g., low-level, column 15, lines 24-25).

Claim 10. A method of simulating(column 19, lines 30-32) a process at two different levels of complexity("incorporate complex simulation models", column 5, lines 24-25), the method comprising: utilizing a model (using or utilizing the simulation model; column 5, lines 20-28)that comprises at least two portions: a first portion (column 21, line 30) which contains functions for use in both of said different complexities of simulation (column 4, lines 37-40); and a second portion (column 21, line 31) comprising two alternative versions: a first version (not clearly defined within the disclosure; the Office interprets this limitation local versions being used , column 16, lines 1-6) for use in one of said different complexities ("incorporate complex simulation models", column 5, lines 24-25) of simulation (column 4, lines 37-40); and a second version (not clearly defined within the disclosure; the Office interprets this limitation local versions being used , column 16, lines 1-6) for use in the other of said different complexities ("incorporate complex simulation models", column 5, lines 24-25) of

simulation (column 4, lines 37-40), wherein the second versions (not clearly defined within the disclosure; the Office interprets this limitation local versions being used , column 16, lines 1-6) is for use in the less complex (too broad; the Office provides an example of behavior engine simply executing three animated characters, column 16, lines 15-18) of the simulations (column 4, lines 37-40), and is arranged to approximate the functionality of the first version(not clearly defined within the disclosure; the Office interprets this limitation local versions being used , column 16, lines 1-6).

Claim 11. A method as claimed in claim 10, further comprising evaluating one or more conditions to determine a result of a rule for selecting which of the two alternative versions(not clearly defined within the disclosure; the Office interprets this limitation local versions being used , column 16, lines 1-6) of the second portion (column 21, line 31) to use in simulating the process(column 19, lines 30-32).

Claim 13. A method as claimed in claim 10, wherein the first version (suggestion of local versions being used , column 16, lines 1-6)utilizes a neural network.

Claim 14. A simulator device arranged to simulate a creature (column 4, lines 37-40) in two different complexities ("incorporate complex simulation models", column 5, lines 24-25) of simulation (column 4, lines 37-40), the device being arranged to utilize (using or utilizing the simulation model; column 5, lines 20-28)a model of the creature (column 4, lines 37-40) that comprises at least two portions: a first portion (column 21, line 30) which contains functions used in both of said different complexities ("incorporate

complex simulation models", column 5, lines 24-25) of simulation (column 4, lines 37-40); and a second portion (column 21, line 31) comprising two alternative versions, (not clearly defined within the disclosure; the Office interprets this limitation local versions being used , column 16, lines 1-6) a first version(not clearly defined within the disclosure; the Office interprets this limitation local versions being used , column 16, lines 1-6) used in one of said different complexities ("incorporate complex simulation models", column 5, lines 24-25) of simulation (column 4, lines 37-40), and second version (not clearly defined within the disclosure; the Office interprets this limitation local versions being used , column 16, lines 1-6) used in the other of said different complexities ("incorporate complex simulation models", column 5, lines 24-25) of simulation (column 4, lines 37-40), wherein the second version (not clearly defined within the disclosure; the Office interprets this limitation local versions being used , column 16, lines 1-6) is for use in the less complex (too broad; the Office provides an example of behavior engine simply executing three animated characters, column 16, lines 15-18) of the simulations (column 4, lines 37-40), and is arranged to approximate the functionality of the first version(suggestion of local versions being used , column 16, lines 1-6).

Section III: Response to Arguments

103

8. Rejection is withdrawn.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Tom Stevens whose telephone number is 571-272-3715.

If attempts to reach the examiner by telephone are unsuccessful, please contact examiner's supervisor Mr. Albert Decady (571-272-3819). The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Answers to questions regarding access to the Private PAIR system, contact the Electronic Business Center (EBC) (toll-free (866-217-9197)).

Art Unit: 2121

/Albert Decady /
Supervisory Patent Examiner
Tech Center 2100

/Thomas H. Stevens/
Examiner, Art Unit 2121